

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE:
EMIL N. HERNANDEZ
and JANICE G. HERNANDEZ,
Debtors.

CASE NO.: 12-bk-00237-JAF

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED
STATUS OF SECOND MORTGAGE OF CITIMORTGAGE, INC. (CLAIM 19) AND TO
STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion To Determine Secured Status Of Second Mortgage Of CitiMortgage, Inc. (Claim 19) And To Strip Lien Effective Upon Discharge (the "Motion"). For the reasons set forth in the Debtors' Motion, the Court finds it appropriate to grant the Debtors' Motion. The Court further finds that negative notice contained in the Motion was proper, that the Motion was properly served pursuant to Local Rule 2002-4 and that no opposition thereto has been filed. Accordingly, it is


ORDERED as follows:

1. The Motion is **GRANTED**.
2. Claim Number Nineteen (19) filed on behalf of CitiMortgage, Inc. shall be treated as an unsecured claim in this Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 12559 Arrowleaf Lane, Jacksonville, FL 32225 and more fully described as follows:

LOT 452, ASHLEY WOODS UNIT ELEVEN, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 56, PAGE 22, 22A, 22B AND 22C, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
4. The mortgage held by CitiMortgage, Inc. (Claim 19) which was recorded on or about July 12, 2006 in Duval County, Florida shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the

avoidance of CitiMortgage, Inc.'s lien prior to the entry of the Debtors' discharge. Further, if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED: June 5, 2013 in Jacksonville, Florida.



JERRY A. FUNK
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA,
JACKSONVILLE DIVISION
U.S. DIST. CT. NO. 13-54 NO. 7729

Copies to:
Debtors
Robert W. Elrod, Jr., Attorney for Debtors
CitiMortgage, Inc.
Douglas Neway, Trustee

Robert W. Elrod, Jr., Attorney for the Debtor(s), is directed to serve a copy of this order on interested parties and file a proof of service within 3 days of entry of the order.